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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,809	12/14/2000	Ichiro Anzai	3169.64972	8852
24978	7590	01/12/2005		
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER LI, ZHUO H	
			ART UNIT 2186	PAPER NUMBER

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/736,809

Applicant(s)

ANZAI ET AL.

Examiner

Zhuo H Li

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This Office action is in response to the amendment filed on 10/15/2004.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aya (EP 0,485,634) in view of Harada et al. (US PAT. 6,581,160 hereinafter Harada).

Regarding claim 1, Aya discloses a storage apparatus, i.e., information processing device, capable of using a storage medium having a second region, internal memory (12) for

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storing therein both use permission discrimination information indicative of permission of a predetermined access operation and use limit information with respect to said storage medium (col. 6 lines 18-36), comprising a collating unit, i.e., control portion (11) for collating use permission discrimination information provided for a comparison purpose with said use permission discrimination information read out from the second region of the storage medium in the case that said use limit information indicates an access not-allowed condition (col. 4 lines 36-57 and figure 5A), and a writing unit for rewriting said use limitation information into such information indicative of an access allowed condition when it is confirmed by the collation that the former use permission discrimination information coincides with the latter use permission discrimination information read out from the second region (col. 7 lines 1-38 and figure 5c).

Aya differs from the claimed invention in not specifically teaches the storage medium having a first region for storing therein data, and a reading unit for reading said use limit information from said second region of said storage medium prior to an access to said storage medium. However, Harada teaches a storage medium (13, figure 3) comprising a controller (130, figure 3) and an open region (131, figure 3) wherein the open region further comprising an open RW region (133, figure 3) to storing a digital content, i.e., first region for storing data, and an open ROM region (132, figure 3) to storing as revocation information, identification information of an electronic appliance that is prohibited from accessing the digital content, i.e., a second region for storing therein both use permission discrimination information indicative of permission of a predetermined access operation and use limit information with respect to said storage medium (col. 8 line 25 through col. 9 line 67 and col. 17 line 11 through col. 18), in addition, Harada teaches the controller (130) is able to read out the identification information and judges whether

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the content in the RW region is able to access by checking whether identification information that matches the ID-M is present in the master revocation list (col. 11 line 23 through col. 14 line 31). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the storage medium of the information processing device having a first region for storing therein data, and a reading unit for reading said use limit information from said second region of said storage medium prior to an access to said storage medium, as per teaching by the storage medium of Harada, because protected against unauthorized use by having the contents encrypted and decrypted using identification information of each recording medium onto which the contents are recorded and protect the copy-right of the storage medium.

Regarding claims 4-5, Harada discloses a storage apparatus wherein in the case that said use limit information indicates an access allowed condition, the storage apparatus permits a predetermined access to the storage medium, and said use permission discrimination information contains such information for discriminating at least one of access allowed conditions of recording and reproducing operations with respect to a predetermined region of said first region (col. 11 line 23 through col. 14 line 31).

Regarding claim 6, Harada discloses a storage apparatus wherein further comprising an access control unit, i.e., controller (130), for permitting an access operation based upon said use permission discrimination information and said use limit information, which correspond to an access instruction of said storage medium in the case that plural sets of said use permission discrimination information and said use limit information are set to said second region (col. 11 line 23 through col. 14 line 31).

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Regarding claim 7, the limitation of the claims are rejected as the same reasons set forth in claim 1.

Regarding claim 8, Aya disclosures the storage apparatus wherein when the use limit number information is invalidated, the rewrite control unit performs such a control that the use limit number information is rewritten into a practically very large value (col. 6 line 23 through col. 8 line 27 and col. 9 lines 12-26).

Regarding claim 9, the limitation of the claims are rejected as the same reasons set forth in claims 4-5.

Regarding claim 10, the limitation of the claims are rejected as the same reasons set forth in claim 6.

Regarding claim 11, the limitation of the claims are rejected as the same reasons set forth in claim 1.

Regarding claim 12, the limitation of the claims are rejected as the same reasons set forth in claim 6.

Regarding claim 13, the limitation of the claims are rejected as the same reasons set forth in claim 1.

Regarding claim 14, the limitation of the claims are rejected as the same reasons set forth in claim 6.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aya (EP 0,485,634) and Harada et al. (US PAT. 6,581,160 hereinafter Harada) further in view of Kon (US PAT. 6,249,838).

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Regarding claims 2-3, the combination of Aya and Harada differs from the claimed invention in not specifically teaches the storage apparatus wherein said writing unit rewrites said use limit information into such information indicative of an access not-allowed condition when the use of said storage medium is ended, and the use limit information is information used to define the number of times used. However, Kon teaches the flash memory (112, figure 1) comprising a data storage unit (144, figure 1), and separate storage device (142, figure 1) which storing remaining-expected-lifetime information (REL) of the flash memory, wherein the REL information is including the maximum number of permissible erasures for the flash memory which manufacture, user or system administrator, (col. 4 lines 7-61 and col. 6 line 38 through col. 7 line 21), in addition, Kon teaches the permission erasures number remaining will be decremented, and every time when the erase command is requested, the REL logic (226, figure 2) will send the command to compare and determine whether the value currently in the counter is less than a warning, if it is, the data storage unit is disabled and cause the requestor to refuse to provide any control signals to the flash memory (col. 7 line 22 through col. 46). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Aya and Harada in having the storage apparatus wherein said writing unit rewrites said use limit information into such information indicative of an access not-allowed condition when the use of said storage medium is ended, and the use limit information is information used to define the number of times used, as per teaching by the flash memory of Kon, because it protects and permits reliable information regarding expected lifetime of a device to be used.

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***Response to Arguments***


6. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H Li whose telephone number is 571-272-4183. The examiner can normally be reached on M-F 9:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**MATTHEW ANDERSON**  
**PRIMARY EXAMINER**  
**GROUP 2100**

Zhuo H. Li 

Patent Examiner  
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